

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
Lake Charles Division**

BROADCAST MUSIC, INC.; )  
EMI BLACKWOOD MUSIC, INC.; )  
WARNER-TAMERLANE PUBLISHING )  
CORP.; GARDEN ANGEL MUSIC; )  
STILL WORKING FOR THE MAN )  
MUSIC, INC.; CONSTANT PRESSURE )  
PUBLISHING; SONY/ATV SONGS LLC )  
d/b/a SONY/ATV TREE PUBLISHING; )  
STEVE WARINER MUSIC; MR. BUBBA )  
MUSIC, INC.; LUCKY THUMB MUSIC; )  
NOAH'S LITTLE BOAT MUSIC; )  
SEA GAYLE MUSIC LLC d/b/a NEW )  
SONGS OF SEA GAYLE; ELDEROTTO )  
MUSIC PUBLISHING; BIG GASSED )  
HITTIES; PEER INTERNATIONAL )  
CORPORATION, )

Plaintiffs, )

v. )

PATRICK STEBBINS, individually )  
and d/b/a STEBB'S PLACE )

Defendant. )

CIVIL ACTION NO.: 16-cv-274

**COMPLAINT**

Plaintiffs, by their attorneys, for their Complaint against the Defendant, allege as follows  
(on knowledge as to Plaintiffs; otherwise on information and belief):

**JURISDICTION AND VENUE**

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff, Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 10.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff EMI Blackwood Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Warner-Tamerlane Publishing Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Garden Angel Music is a sole proprietorship owned by Jennifer Kimball. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Still Working For the Man Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Constant Pressure Publishing is a sole proprietorship owned by Terry A. McBride. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Tree Publishing. This Plaintiff is the copyright owner of at least one of the songs in this

matter.

11. Plaintiff Steve Wariner Music is a sole proprietorship owned by Steve Wariner. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Mr. Bubba Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Lucky Thumb Music is a sole proprietorship owned by Cory J. Gierman. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Noah's Little Boat Music is a sole proprietorship owned by Lee Thomas Miller. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Sea Gayle Music LLC is a limited liability company doing business as New Songs of Sea Gayle. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Elderotto Music Publishing is a sole proprietorship owned by James Allen Otto. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Big Gassed Hitties is a sole proprietorship owned by Jamey Van Johnson. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff Peer International Corporation is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

19. Defendant Patrick Stebbins operates, maintains and controls an establishment known as Stebb's Place, located at 610 W Russell Ave., Welsh, LA 70591, in this district (the "Establishment"). In connection with the operation of this business, Defendant Patrick Stebbins publicly performs musical compositions and/or causes musical compositions to be publicly performed. Defendant Patrick Stebbins has a direct financial interest in the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

20. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 19.

21. Since April 2013 BMI has reached out to the Defendant over 50 times, by phone and by mail, in an effort to educate Defendant as to his obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical compositions in the BMI repertoire. Included in the letters were Cease and Desist Notices, providing Defendant with formal notice that they must immediately cease all use of BMI-licensed music in the Establishment.

22. Plaintiffs allege four (4) claims of copyright infringement, based upon Defendant's unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against the Defendant.

23. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendant. The Schedule contains information on the four (4) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the

copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

24. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

25. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

26. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff, BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

27. For each work identified on the Schedule, on the date(s) listed on Line 7, the Defendant publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, the Defendant has committed copyright infringement.

28. The specific acts of copyright infringement alleged in the Complaint, as well as the Defendant's entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendant threaten to continue committing copyright infringement. Unless this Court restrains the Defendant from committing further acts of copyright infringement,

Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendant, his agent, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendant, be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendant, be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: February 28, 2016

Respectfully submitted:

By: /s/Mark A. Balkin  
Mark A. Balkin (LA Bar # 24952)  
Joseph C. Chautin, III (LA Bar # 24995)  
Hardy, Carey, Chautin & Balkin, LLP  
1080 West Causeway Approach  
Mandeville, Louisiana 70471  
(985) 629-0777  
[mbalkin@hardycarey.com](mailto:mbalkin@hardycarey.com)

**Attorneys for Plaintiffs**

## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	If You See Him a/k/a If You See Her
Line 3	Writer(s)	Jennifer Kimball; Tommy Lee James; Terry McBride
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music, Inc.; Warner-Tamerlane Publishing Corp.; Jennifer Kimball, an individual d/b/a Garden Angel Music; Still Working For The Man Music, Inc.; Terry A. McBride, an individual d/b/a Constant Pressure Publishing
Line 5	Date(s) of Registration	10/8/98
Line 6	Registration No(s).	PA 938-558
Line 7	Date(s) of Infringement	2/14/2015
Line 8	Place of Infringement	Stebb's Place

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Line 1	Claim No.	2
Line 2	Musical Composition	One Small Miracle
Line 3	Writer(s)	Bill Anderson; Steve Wariner
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing; Steve Wariner, an individual d/b/a Steve Wariner Music; Mr. Bubba Music, Inc.
Line 5	Date(s) of Registration	11/26/97
Line 6	Registration No(s).	PA 842-882
Line 7	Date(s) of Infringement	2/13/2015
Line 8	Place of Infringement	Stebb's Place

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Line 1	Claim No.	3	
Line 2	Musical Composition	In Color	
Line 3	Writer(s)	Jamey Johnson; Lee Thomas Miller a/k/a Lee Thomas; James Otto	
Line 4	Publisher Plaintiff(s)	EMI Blackwood Music Inc.; Warner-Tamerlane Publishing Corp.; Cory J. Gierman d/b/a Lucky Thumb Music; Lee Thomas Miller d/b/a Noah's Little Boat Music; Sea Gayle Music LLC d/b/a New Songs Of Sea Gayle; James Allen Otto d/b/a Elderotto Music Publishing; Jamey Van Johnson d/b/a Big Gassed Hitties	
Line 5	Date(s) of Registration	10/16/08	3/11/09
Line 6	Registration No(s).	PA 1-640-759	PA 1-639-958
Line 7	Date(s) of Infringement	2/13/2015	
Line 8	Place of Infringement	Stebb's Place	

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Line 1	Claim No.	4	
Line 2	Musical Composition	Mambo No. 5 (A little bit of...)	
Line 3	Writer(s)	Lou Bega; Zippy a/k/a Christian Pletschacher; Damaso Perez Prado	
Line 4	Publisher Plaintiff(s)	Peer International Corporation	
Line 5	Date(s) of Registration	8/23/99	
Line 6	Registration No(s).	PA 968-419	
Line 7	Date(s) of Infringement	2/13/2015	
Line 8	Place of Infringement	Stebb's Place	

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